

AMENDED IN SENATE APRIL 21, 2005

SENATE BILL

No. 1033

Introduced by Senator Hollingsworth

February 22, 2005

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An act to amend Sections ~~458 and 459~~ 331 and 332 of the Fish and Game Code, relating to fish and game.

LEGISLATIVE COUNSEL'S DIGEST

SB 1033, as amended, Hollingsworth. ~~Deer management.~~ *Antelope and elk hunting.*

*Existing law establishes the Fish and Game Commission in the Resources Agency to regulate the taking or possession of birds, mammals, fish, amphibia, and reptiles. Existing law permits the commission to regulate the taking of antelope, and provides, among other things, that only a resident of California possessing a valid hunting license, who has not received an antelope license tag during a period of time specified by the commission may obtain a license tag for the taking of antelope. Existing law also permits the commission to regulate the taking of elk, including tule elk in specified circumstances, and provides, among other things, that only a resident of California possessing a valid hunting license may obtain a license tag for the taking of elk.*

*This bill would modify the provisions relating to the taking of antelope and elk by deleting the requirement that only a resident of California possessing a valid hunting license may obtain a license tag for the taking of antelope or elk, and specifying that only a person possessing a valid hunting license may obtain a license tag for the taking of antelope or elk.*

~~(1) Existing law provides for the management of deer, and requires the Department of Fish and Game to develop plans for deer herd~~

management units. Existing law requires the department not later than December 15 to notify the board of supervisors of each specified county as to the department's recommendations as to whether any antlerless deer hunts should be ordered. Existing law allows the board of supervisors of any specified county, by resolution, to elect not to order antlerless deer hunts in the county.

This bill would delete the provision of law permitting the board of supervisors of any specified county, by resolution, to elect not to order antlerless deer hunts in the county.

(2) Existing law permits the board of supervisors of any specified county that has held a public meeting to object, by resolution, to the proposed recommendations of the department or to determine that the proposed recommendations should be modified, as specified. Existing law prohibits the department from recommending to the Fish and Game Commission, the taking of antlerless deer in a specified county if the department has received from the board of supervisors of that county a resolution objecting to the taking. Existing law requires the department to modify its recommendations and requires the commission to modify its orders with regard to the taking of antlerless deer in specified counties under certain circumstances, as provided.

This bill would allow the board of supervisors of specified counties to determine that the proposed recommendations should be modified, setting forth the county's preferred modifications. This bill would no longer prohibit the department from recommending to the commission, the taking of antlerless deer in a specified county if the department has received from the board of supervisors of that county a resolution objecting to the taking. This bill would permit, rather than require, the department to modify its recommendations and the commission to modify its orders with regard to the taking of antlerless deer in specified counties under certain circumstances, as provided.

(3) This bill would make findings and declarations regarding the inapplicability of a general statute within the meaning of Section 16 or Article IV of the California Constitution.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 458 of the Fish and Game Code is  
2 amended to read:

1     *SECTION 1. Section 331 of the Fish and Game Code is*  
2     *amended to read:*

3     331. (a) The commission may determine and fix the area or  
4     areas, the seasons and hours, the bag and possession limit, and  
5     the sex and total number of antelope (*Antilocapra americana*) that  
6     may be taken under regulations which the commission may adopt  
7     from time to time. Only ~~a resident of the State of California~~  
8     *person* possessing a valid hunting license, who has not received  
9     an antelope license tag under these provisions during a period of  
10    time specified by the commission, may obtain a license tag for  
11    the taking of antelope.

12    (b) A license tag may be issued upon payment of a fee of  
13    fifty-five dollars (\$55), as adjusted under Section 713. The fee  
14    shall be deposited in the Fish and Game Preservation Fund and  
15    shall be expended, in addition to money budgeted for salaries of  
16    persons in the department, for the expense of implementing this  
17    section.

18    (c) The commission shall direct the department to annually  
19    authorize not less than one antelope tag or more than 1 percent of  
20    the total number of tags available for the purpose of raising funds  
21    for programs and projects to benefit antelope. These tags may be  
22    sold at auction to residents or nonresidents of the State of  
23    California or by another method and are not subject to the fee  
24    limitation prescribed in subdivision (b).

25    *SEC. 2. Section 332 of the Fish and Game Code is amended*  
26    *to read:*

27    332. (a) The commission may determine and fix the area or  
28    areas, the seasons and hours, the bag and possession limit, and  
29    the number of elk that may be taken under rules and regulations  
30    which the commission may adopt from time to time. The  
31    commission may authorize the taking of tule elk if the average of  
32    the department's statewide tule elk population estimates exceeds  
33    2,000 animals, or the Legislature determines, pursuant to the  
34    reports required by Section 3951, that suitable areas cannot be  
35    found in California to accommodate that population in a healthy  
36    condition.

37    (b) Only ~~a resident of the State of California~~ *person* possessing  
38    a valid hunting license may obtain a license tag for the taking of  
39    elk.

1 (c) The department may issue an elk license tag upon payment  
2 of a fee of one hundred sixty-five dollars (\$165), as adjusted  
3 under Section 713. The fees shall be deposited in the Fish and  
4 Game Preservation Fund and shall be expended, in addition to  
5 money budgeted for salaries of the department, for the expense of  
6 implementing this section and Section 3951.

7 (d) The commission shall annually direct the department to  
8 authorize not more than three elk hunting license tags for the  
9 purpose of raising funds for programs and projects to benefit elk.  
10 These license tags may be sold at auction to residents or  
11 nonresidents of the State of California or by other method and are  
12 not subject to the fee limitation prescribed in subdivision (c).

13 ~~458. The department not later than December 15 shall notify,~~  
14 ~~by certified mail, the board of supervisors of each county~~  
15 ~~affected of the details of its recommendations under Section 457.~~

16 ~~The board of supervisors of any affected county may elect to~~  
17 ~~hold a public hearing on the proposed recommendations of the~~  
18 ~~department. Any hearing shall be held prior to February 1. The~~  
19 ~~director or his or her representative shall attend the hearing.~~

20 ~~This section applies only to the counties of, and to those~~  
21 ~~districts or parts of districts in, Siskiyou, Modoc, Trinity, Shasta,~~  
22 ~~Lassen, Plumas, Sierra, Alpine, Amador, Butte, Calaveras,~~  
23 ~~Colusa, Del Norte, El Dorado, Glenn, Humboldt, Imperial, Inyo,~~  
24 ~~Lake, Madera, Mariposa, Mendocino, Merced, Mono, Monterey,~~  
25 ~~Napa, Nevada, Orange, Placer, Riverside, San Luis Obispo,~~  
26 ~~Santa Barbara, Santa Clara, Tehama, Tuolumne, Yolo, and Yuba~~  
27 ~~Counties.~~

28 ~~SEC. 2. Section 459 of the Fish and Game Code is amended~~  
29 ~~to read:~~

30 ~~459. The board of supervisors of any county specified in~~  
31 ~~Section 458 that has held a public hearing pursuant to Section~~  
32 ~~458 may, not later than February 1, by resolution, object to the~~  
33 ~~proposed recommendations of the department or may, by~~  
34 ~~resolution, determine that the proposed recommendation should~~  
35 ~~be modified, setting forth the county's preferred modifications.~~

36 ~~A resolution objecting to, or setting forth modifications of, the~~  
37 ~~proposed recommendations shall be based upon the testimony~~  
38 ~~and information presented at the hearing or presented to the~~  
39 ~~board of supervisors at its meeting to consider the resolution.~~

1 If a board of supervisors of a county has submitted a resolution  
2 determining that the department's proposed recommendations on  
3 the taking of antlerless deer should be modified for that county;  
4 the department may so modify its recommendations and the  
5 commission may so modify its orders as long as that action  
6 would not adversely impact the health of the deer population.

7 SEC. 3. a. The Legislature finds and declares that due to the  
8 unique circumstances relating to antlerless deer in counties of,  
9 and to those districts or parts of districts in, Siskiyou, Modoc,  
10 Trinity, Shasta, Lassen, Plumas, Sierra, Alpine, Amador, Butte,  
11 Calaveras, Colusa, Del Norte, El Dorado, Glenn, Humboldt,  
12 Imperial, Inyo, Lake, Madera, Mariposa, Mendocino, Merced,  
13 Mono, Monterey, Napa, Nevada, Orange, Placer, Riverside, San  
14 Luis Obispo, Santa Barbara, Santa Clara, Tehama, Tuolumne,  
15 Yolo, and Yuba, a statute of general applicability cannot be  
16 enacted within the meaning of subdivision (b) of Section 16 of  
17 Article IV of the California Constitution.